

**Title 2, California Code of Regulations**  
**Division 2. Financial Operations**  
**Chapter 1. State Board of Control**  
**Article 5.6 Indemnification of Victims of Crime**

*The text of the regulations shown went into effect as emergency regulations on February 3, 2003.*

**§649.23 Service Limitations for Mental Health Counseling**

- (a) Reimbursement for outpatient mental health counseling related expenses shall be limited as follows:
  - (1) A victim who is a minor at the time of the qualifying crime may receive up to 40 sessions, except that a victim described in Government Code section 13957(a)(2)(B)(ii) may receive up to 30 sessions.
  - (2) A victim who is an adult at the time of the qualifying crime may receive up to 30 sessions.
  - (3) A derivative victim may be eligible for only one of the following, whichever provides the greatest assistance:
    - (A) A derivative victim described in Government Code section 13957(a)(2)(A)(ii) may receive up to 30 sessions.
    - (B) A derivative victim eligible to receive reimbursement for mental health counseling related expenses may receive up to 15 sessions.
    - (C) A derivative victim described in Government Code section 13957(a)(2)(A)(iii) may receive up to a total of 30 sessions for not more than two derivative victims. A derivative victim may receive more than 15 sessions under this subsection only if the additional sessions are necessary for the treatment of the victim.
- (b) The outpatient mental health counseling related service limitations described in subsection (a) shall be deemed to be appropriate to the level of treatment medically necessary for a victim or derivative victim unless additional reimbursement is authorized by the Board.
- (c) The following shall apply when determining the number of authorized sessions:
  - (1) An individual mental health counseling session lasting from 45 minutes to one hour and 14 minutes is one session.
  - (2) An individual mental health counseling session lasting from one hour and 15 minutes to one hour and 44 minutes is one and one-half session.
  - (3) An individual mental health counseling session lasting from one hour and 45 minutes to two hours is two sessions.
  - (4) One group mental health counseling session is counted as one-half of an individual mental health counseling session of the same length as the group mental health counseling session.

- (5) No more than three of the sessions authorized by subsection (a) shall be permitted for meetings or discussions between the treating therapist and collateral contacts of the person being treated, including but not limited to: school counselor or teacher; religious leader; physician or other medical provider; or social worker.
  - (A) Additional sessions for meetings or discussions between the therapist and collateral contacts may be approved under section 649.24.
- (d) A victim or derivative victim who is eligible for reimbursement for outpatient mental health counseling related expenses may receive five initial sessions.
- (e) No expenses for sessions beyond the initial sessions described in subsection (d) shall be reimbursed without submission of a treatment plan and approval of additional treatment by the Board.
  - (1) A treatment plan shall include the following information:
    - (A) A description of the presenting complaint, symptoms and issues;
    - (B) A description of the crime for which the mental health provider is providing mental health counseling services;
    - (C) An evaluation on all five axes using criteria in the *Diagnostic and Statistical Manual of Mental Disorders*, 4<sup>th</sup> Edition (DSM IV);
    - (D) An evaluation of functioning using criteria in the *Diagnostic and Statistical Manual of Mental Disorders*, 4<sup>th</sup> Edition (DSM IV), including an evaluation of overall functioning, social and occupational functioning, and relational functioning, including all of the following:
      - (i) Global Assessment of Functioning (GAF);
      - (ii) Social and Occupational Functioning Assessment Scale (SOFAS); and
      - (iii) Global Assessment of Relational Functioning (GARF).
    - (E) A description of the focus of treatment, including the symptoms or cluster of symptoms.
    - (F) A description of the plan of treatment, including a specific description of the method by which the symptoms or diagnoses will be specifically treated.
    - (G) A description of the means by which the progress of treatment will be measured.
    - (H) An estimate of the treatment that is necessary as a direct result of the qualifying crime.
  - (2) The Board may require the submission of any other information required to determine whether the treatment will best aid the person and is necessary as a direct result of the qualifying crime.
- (f) No expenses for sessions beyond the 15<sup>th</sup> session shall be reimbursed without submission of a treatment progress report and approval of additional treatment by the Board.
  - (1) A treatment progress report shall include the following information:

- (A) An evaluation of the progress made toward meeting the goals of the treatment plan; and
  - (B) An evaluation of the factors that are hindering progress toward meeting the goals of the treatment plan.
- (g) Notwithstanding subsection (a), reimbursement for outpatient mental health counseling related expenses for treatment begun and applications submitted prior to the effective date of this regulation shall be limited as follows:
  - (1) For purposes of this section, the transition period is defined as 30 days after the effective date of this regulation.
  - (2) The limitations of this section and section 649.24 shall not apply to mental health services received before or during the transition period.
  - (3) If mental health services received have not reached the limits described in subsection (a) by the end of the transition period, the service limitations of this section and section 649.24 shall apply to services received after the end of the transition period.
  - (4) If mental health services received have reached or exceeded the service limitations described in subsection (a) by the end of the transition period, the service limitations of section 649.24 shall apply to services received after the end of the transition period.
    - (A) Reimbursement for up to five additional sessions may be awarded for the purposes of terminating treatment or applying for additional treatment under section 649.24.
- (h) This section does not authorize the payment of expenses in excess of the limits in Government Code section 13957(a)(2).

Note: Authority cited: Section 13920(c), Government Code.

Reference: Sections 13954, 13957(a)(2), and 13957.2(a), Government Code.

#### **§ 649.24 Service Limitations for Additional Mental Health Counseling**

- (a) No expenses for sessions beyond those authorized by section 649.23 shall be reimbursed without submission of an additional treatment plan and approval of additional treatment by the Board.
  - (1) The additional treatment plan shall include the following information:
    - (A) An update on all information required by section 649.23(e)(1) or included in the treatment plan submitted under section 649.23(e).
    - (B) An update on all information required by section 649.23(f)(1) or included in the treatment progress note submitted under section 649.23(f).
    - (C) A detailed description of the factors supporting the request for reimbursement for additional treatment.
  - (2) The Board may require the submission of any other information required to determine whether the treatment will best aid the person and is necessary as a direct result of the qualifying crime.
- (b) When determining whether a person is eligible for reimbursement for additional outpatient mental health counseling related expenses, the factor to

be weighted most heavily is the circumstances of the crime as described in subsection (e).

- (c) For the first request for reimbursement for additional outpatient mental health counseling related expenses, the following factors shall be considered:
  - (1) the circumstances of the qualifying crime as described in subsection (e);
  - (2) the diagnosis;
  - (3) the progress of treatment;
  - (4) the effectiveness of treatment; and
  - (5) the severity of functional impairment directly attributed to the qualifying crime.
- (d) For any subsequent request for reimbursement for additional outpatient mental health counseling related expenses for a victim, the following factors shall be considered:
  - (1) any extreme circumstances of the qualifying crime as described in subsection (e);
  - (2) the diagnosis;
  - (3) the progress of treatment;
  - (4) the effectiveness of treatment; and
  - (5) the severity of functional impairment directly attributed to the qualifying crime.
- (e) The following factors shall be considered when assessing the circumstances of the qualifying crime to determine if reimbursement for additional outpatient mental health counseling related expenses shall be authorized:
  - (1) The qualifying crime resulted in permanent and substantial impairment to the applicant's activities of daily living.
  - (2) The qualifying crime resulted in permanent and substantial disfigurement.
  - (3) The qualifying crime resulted in injuries that permanently and severely impaired the applicant's ability to successfully engage in an occupation commensurate with his or her experience, education and training, and his or her occupation or activities immediately before the qualifying crime.
  - (4) The qualifying crime continued over an extended period of time.
  - (5) The perpetrator of the qualifying crime was a person in a position of trust or authority with the victim, including, but not limited to a parent, teacher, or religious leader.
  - (6) Other members of the victim's immediate family were victims of the same qualifying crime.
  - (7) The qualifying crime destroyed the integrity of the victim's immediate family.
    - (A) Financial hardship resulting from the qualifying crime alone is not sufficient.
    - (B) Removal of the perpetrator from the victim's household alone is not sufficient.

- (8) The qualifying crime resulted in pregnancy.
- (9) The qualifying crime resulted in a sexually-transmitted disease with significant, long-term consequences.
- (10) The qualifying crime resulted in significant public notoriety and publicity.
- (11) Photographs of a minor victim were made public.
- (12) The perpetrator threatened to kill the victim during the qualifying crime, or threatened to kill the victim if the victim reported the crime or participated in the investigation or prosecution of the crime.
- (13) The presence of cultural factors that exacerbate and perpetuate the trauma of the qualifying crime.
- (14) The qualifying crime involved a hate crime.
- (f) Notwithstanding subsections (b), (c) and (d) reimbursement for additional outpatient mental health counseling related expenses may be authorized for a limited duration if:
  - (1) The victim or derivative victim is called to testify as a witness in any criminal proceeding related to the qualifying crime.
  - (2) The perpetrator is released from custody.
  - (3) A minor victim reaches a developmental stage or a stage of cognitive development which results in impairment as a direct result of the qualifying crime.
- (g) Expenses in excess of the limits in Government Code section 13957(a)(2) shall not be reimbursed without complying with this section and without determining that the factors listed in subsection (d) of this regulation, evaluated in their totality, indicate that dire or exceptional circumstances require more extensive treatment.

Note: Authority cited: Section 13920(c), Government Code.

Reference: Sections 13954, 13957(a)(2), and 13957.2(a), Government Code.

#### **§ 649.25 Audit of Mental Health Counseling Providers**

- (a) A provider of outpatient mental health counseling related services who receives payment from, or whose services were reimbursed by, the Victim Compensation Program shall be subject to a clinical or fiscal audit, or both, to ensure that treatment and reimbursement were authorized by law.
- (b) A provider shall make all necessary clinical and fiscal records available to Board staff for review upon request for up to three years after the date that reimbursement was paid.

Note: Authority cited: Section 13920(c), Government Code.

Reference: Sections 13954, 13957(a)(2), and 13957.2(a), Government Code.